87-177

Supreme Court, U.S.
FILED
JUL 29 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1986

CASE NO. _____

==========

JENNIE J. QUAST,

Petitioner,

v.

CLIFFORD G. QUAST,

Respondent.

==========

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA

==========

JENNIE J. QUAST
Petitioner Pro Se
9638 Northwest 19th Place
Sunrise, Florida 33322
(305) 741-0939

QUESTION PRESENTED FOR REVIEW

Petitioner respectfully requests this Honorable Court to determine whether the law of the case in this action is repugnant to the Constitution of the United States:

I. Petitioner respectfully requests this Honorable Court to determine whether Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to parental honor in a parent/child relationship; and whether Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to enjoy the custody, fellowship, and companionship of her offspring.

II. Petitioner respectfully requests this Honorable Court to determine whether she has been deprived of her rightful property without due process of law and denied the equal protection of the law.

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II. To determine whether she has been deprived of her rightful property without due process of law and denied the equal protection of the law. .....

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* * * * *

Petitioner respectfully wishes to advise this Court that she is not an attorney and has never professed to be an attorney; she does not know the intricacies of any legal or judicial system and she knows nothing about constitutional law. She is certain, however, that there are innumerable cases to uphold and defend her position. Petitioner acknowledges her lack

of skill to properly research law, and respectfully will leave that task to the experts.

Petitioner also respectfully wishes to advise this Court that she went before the trial court without benefit of counsel on the naive assumption that she was before a court of justice, and expecting justice. She sincerely acted on the belief that the legal and judicial system of the United States was created to serve justice, with or without an attorney. Even her then 32 years as a legal secretary/word processor in New York and in Florida did not alter or influence her opinion of the system. Apparently, her only exposure within the legal profession for those many years was among fairly ethical attorneys and judges. Regrettably, she has since learned experientially that that is not always the case.

In her brief below, Petitioner has set forth at length her arguments concerning the

exercise of her constitutional right to represent herself at the trial of this cause. Petitioner is of the opinion and respectfully submits that if self-representation forfeited her right to a fair trial, then such right is no longer a positive law and should be abolished.

Petitioner also wishes to advise this Court that as a result of the ramifications of this case, she is unable to obtain legal representation; she has been repeatedly told that she is beyond professional legal help and her efforts to retain counsel have been unsuccessful. Petitioner is very grateful for the privilege and the opportunity of proceeding pro se.

In this Petition for Writ of Certiorari, Petitioner will attempt to set forth her understanding of the Spirit of the Constitution of the United States.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1986

CASE NO. _____

==========

JENNIE J. QUAST,

Petitioner,

v.

CLIFFORD G. QUAST,

Respondent.

==========

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

The Petitioner, JENNIE J. QUAST, respectfully prays that a writ of certiorari issue to review the Opinion of the Fourth District Court of Appeal of the State of Florida filed on November 19, 1986, and the record below.

OPINION BELOW

The Fourth District Court's Opinion (Appendix A) states that Petitioner "claims that the order of distribution was unfair and unconstitutional. However to support her claims she argues that the trial court in the original hearing made errors. The original decree has already been affirmed on appeal, this establishing the law of the case."

In upholding the validity of the law of the case:

I. Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to parental honor in a parent/child relationship; and Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to enjoy the custody, fellowship, and companionship of her offspring.

II. Petitioner has been deprived of her rightful property without due process of

law and denied the equal protection of the law.

The Opinion of the District Court is repugnant to Petitioner's rights guaranteed under the Ninth and Fourteenth Amendents of the Constitution of the United States.

JURISDICTION

The jurisdiction of this Court is invoked under the United States Code, Title 28, Section 1254.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment IX:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

United States Constitution, Amendment XIV:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On August 1, 1982, Respondent left the marital residence. On August 6, 1982, he filed a Petition for Dissolution of Marriage. Both parties were represented by counsel. On January 18, 1983, the day of the initial trial set by the court, Petitioner's attorney withdrew. On April 1, 1983, a trial was held to determine the equitable distribution of marital assets and personal property of the parties. At the trial, Petitioner exercised her constitutional right to represent herself. Respondent was represented by counsel.

On April 5, 1983, the trial court entered a Findings and Final Judgment (Appendix A) which awarded to Respondent all of the parties' jointly-owned marital assets amounting to approximately $250,000.00, except for 338 shares of Mobil Oil stock and one-half of the marital residence; awarded to Respondent $30,000.00 of non-marital

trust assets which were held by Petitioner for her minor children from her previous marriage; failed to award to Petitioner her rightful equitable share of the jointly-owned marital assets and personal property of the parties; and failed to award to Petitioner her proven special equity in the marital residence.

Petitioner's appeal attorney timely filed an appeal with the Fourth District Court of Appeal of Florida. The appeal was Per Curiam Affirmed on February 29, 1984.

Petitioner's post-judgment attorney attempted to comply with the decision of the trial court and negotiated for a more equitable distribution of marital assets according to Paragraph 6 of the Findings and Final Judgment (Appendix A), but all efforts to do so failed. Petitioner's counsel could do nothing more for her and upon mutual consent withdrew. Unable to obtain new counsel, Petitioner has continued pro se.

On April 25, 1985, an Order of Distribution was entered by the trial court (Appendix B) based upon the Findings and Final Judgment (Appendix A). On May 31, 1985, a Final Judgment was entered by the trial court upon the Order of Distribution (Appendix C).

Petitioner timely filed her appeal with the Fourth District Court of Appeal of Florida declaring the Order of Distribution and its accompanying Final Judgment unfair and unconstitutional. The District Court of Appeal rendered its Opinion on November 19, 1986 (Appendix D).

Petitioner timely filed her Brief on Jurisdiction with the Supreme Court of Florida, and the Supreme Court rendered its decision on May 5, 1987 (Appendix E).

Petitioner timely filed her Notice of Appeal to this Court on May 8, 1987 (Appendix F).

REASON FOR GRANTING THE WRIT

I

Petitioner respectfully requests this Honorable Court to determine (1) whether Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to parental honor in a parent/child relationship; and (2) whether Petitioner was denied and deprived of her constitutional rights, her God-given natural rights, to enjoy the custody, fellowship, and companionship of her offspring.

1. Petitioner claims that she was denied and deprived of her natural and constitutional right to parental honor in a parent/child relationship from the inception of this trial as a result of the actions of Respondent, his attorney, and the legal/judicial/court "system."

Respondent (who was the stepfather of the children) and his attorney collaborated with Petitioner's first husband, the natural

father of Petitioner's children, to alienate the children from their mother and disgrace her. They instigated, incited, and bribed Petitioner's three teenage children, all under 18, and maliciously interfered with and seriously impaired Petitioner's parent/child and her family relationships.

Just one week prior to the trial of this cause, all of Petitioner's children left their home and their mother, and lived separate and apart from each other. Then they were entrapped and coerced to agree to appear and testify in court against their mother, for no justifiable cause (TR 3-4; Witness List, Document #136 of the Record).

Petitioner's traumatic experience in Appendix G will relate to this Court one incident depicting the wanton abuse inflicted upon her by Respondent, his attorney, and the system.

The system permitted such abuse and acquiesced in such actions, conduct, and

interference on the part of Respondent and his attorney (TR 3-4; 27-28; 33-34); it failed to provide any safeguards to protect and preserve Petitioner's parent/child relationship and her family relationship.

It is Petitioner's contention that Respondent, his attorney, and the system usurped her children's natural rights, and that such actions, interference, and acquiescence advocated to coerce, encourage, and condone the behavior of Petitioner's children to dishonor, disrespect, and disgrace their mother.

Based on all of the foregoing, Petitioner affirms that she was denied and deprived of her natural and constitutional right to parental honor in a parent/child relationship, and therefore the trial of this cause was unconstitutional from its inception.

2. Petitioner claims that she was denied and deprived of her natural and constitutional right to parental honor in a parent/child relationship and to enjoy the custody, fellowship, and companionship of her offspring free from abusive actions, inordinate interference, and impious acquiescence on the part of Respondent, his attorney, and the system (TR 3-4; 27-28; 33-34; Appendix G).

Respondent and his attorney maliciously manipulated and inordinately interfered with and seriously impaired Petitioner's parent/child relationship and her family relationship, and ultimately alienated and separated Petitioner's three children from their mother, as more fully set forth above. For almost two years, and at such a critical time in her life, Petitioner was denied and deprived of her natural and constitutional right to parental honor and to enjoy the custody, fellowship, and companionship of

her children, to the extent that when Michael graduated from a local high school, his mother was not permitted to attend.

The abuse inflicted upon Petitioner herein was far more devastating to her, and Respondent was fully aware of her great pain and suffering.

Petitioner respectfully requests permission to relate to this Court a similar incident that happened to Petitioner in her first divorce action. This incident took place in New York City -- 18 years ago.

(a) In 1969, Petitioner's first-born son, Johnny, was alienated from her by his father. Here again, one week prior to their divorce trial, Johnny was incited to leave his home, his mother, his baby twin brothers, and his infant sister. At the trial, he was in court to testify against his mother -- again for no justifiable cause. The case was settled in the courtroom and Petitioner was awarded custody of

all her four children. Johnny however "refused" to return home to live with his mother and his brothers and sister.

(b) Johnny was 11 years old at the time of alienation and separation from his mother, and for 18 long and sorrowful years, Petitioner has been denied and deprived of her natural God-given right to enjoy the custody, fellowship, and companionship of her son. There has been no relationship or communication whatsoever between them since 1969. When Johnny recently graduated from Medical School, he and his father refused to permit his mother to attend.

(c) Equally destructive, for the greater part of Johnny's life, he has been deprived of a family relationship with his mother and younger brothers and sister.

* * * * *

Petitioner's case is an improvident example of the total destruction of her

first family unit, and a critical breakdown of her second family unit, in two separate divorce actions in two different states, under similar "legal" circumstances permitted by the system.

It is Petitioner's conviction that because of the irreparable harm to her parent/child relationships, and to her family relationship, and the emotional trauma and psychological pain it has caused Petitioner and her children, children should not be permitted to be present in the courtroom, or even outside the courtroom, or to appear on witness lists, or to personally testify in a courtroom against or for a parent. Such an experience is devastating and traumatic to the children and to the parents.

Petitioner respectfully submits that it is well recognized by the courts that "young children of the parties should not be forced to become witnesses and, perhaps, to take

sides in open court against one or the other of their parents." Kreutzer v. Kreutzer, 226 Ore. 158, 359 P.2d 536 (1961).

Petitioner respectfully submits that the breakdown or destruction of a parent/child relationship is so detrimental to the structure of our society that the system should go to extremes to protect the child and the parent. The breakdown or destruction of familial bonds cries out for remediation.

> Let's not ruin the lives of these children. It isn't a contest where you will win or they will win or the mother on one hand and the father on the other will win. Let's win for these children; let's do something for them. Eshelman v. Eshmelman, 133 Cal.App.2d 376, 284 P.2d 103 (1955).

Petitioner requestfully prays for the grace of this Court to make more secure the natural God-given rights of all parents and thereby protect and preserve the natural God-given rights of all children.

REASON FOR GRANTING THE WRIT

II

Petitioner respectfully requests this Honorable Court to determine whether she has been deprived of her rightful property without due process of law and denied the equal protection of the law.

Petitioner claims that she has been denied and deprived of her constitutional right to her "day in court" and to a fair trial and, consequently, deprived of her rightful property without due process of law and denied the equal protection of the law.

"Asserted denial of due process is to be tested by an appraisal of the totality of facts in a given case." Gideon v. Wainwright, 372 U.S. 335 (1963), at p. 339.

The trial transcript ("TR") and record below are replete with error and abuse, resulting in "a denial of fundamental

fairness, shocking to the universal sense of justice." Gideon v. Wainwright, 372 U.S. 335 (1963) at p. 339.

The transcript of the trial will verify that Respondent and his attorney deliberately, intentionally, and maliciously misused the law and the court. There was abuse of process, abuse of a defenseless litigant, malicious misrepresentation of testimony, and deliberate tampering with documentary evidence. Respondent and his attorney engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation, which was not within the bounds of the law and was prejudicial to the administration of justice. Respondent's attorney counseled and assisted Respondent in conduct that she knew to be false, fraudulent and deceptive; concealed and knowingly failed to disclose documentary evidence that she was required by law to reveal; knowingly used false, fraudulent and perjured testimony;

suppressed evidence that she had a legal obligation to reveal; participated in the creation and preservation of evidence knowing that the evidence was false; stated and alluded to matters that she had no reasonable basis to believe was relevant to the case and was not supported by admissible evidence; asked questions of Petitioner that were intended to degrade Petitioner before the tribunal. Respondent's attorney was not aboveboard with the judge; she did not call upon her client to rectify perjured error and reveal the fraud to the tribunal, and she knowingly permitted injustice to manifest. (TR. 7-8; 9-23; 24-33; 42; 49; 56-59; 61-88; 91; Respondent's attorney deliberately tampered with Wife's Exhibit #3 submitted in evidence; see also Appendix H, which contains perjured testimony -- Respondent testified upon direct questioning by the trial court at TR 81 that "496 shares is in my name only.")

The following relevant facts were also before the court: Respondent filed for divorce, which was premeditated before the parties' move to Florida and for which he was financially well prepared, having divested marital assets prior to filing for divorce (TR 19-24; 35; 53; 64-69; 81); the trial court was aware of Respondent's dishonorable conduct (TR 20-21; 23-24; 26-26; 33-34, 55; 56-57); the trial court was aware that Respondent alienated Petitioner's children against their mother and that her daughter was living with Respondent at the time of the trial (TR 3-4; 24-28; 33-34).

Respondent and his attorney have nowhere denied any of Petitioner's allegations. Their only defense in their brief and pleadings below has been to "sweep the dirt under the rug" with the Doctrine of Res Judicata.

* * * * *

The trial transcript and record below will verify that Petitioner has been denied and deprived of her rightful equitable share of jointly-owned marital assets approximating $250,000.00. In its Findings and Final Judgment (Appendix A), the trial court erroneously awarded to Respondent all of the parties jointly-owned marital assets, except for 338 shares of Mobil Oil stock and one-half of the marital residence. This judgment was based on no documentary evidence whatsoever before the court; it was based on dishonesty, deceit, fraudulent and perjured testimony, and misrepresentation of evidence and facts on the part of Respondent and his attorney, which can be substantiated by the trial transcript and the record below.

The trial transcript and the record below will verify that Petitioner has been denied and deprived of her rightful personal non-marital trust assets held by Petitioner for her minor children from her previous

marriage. In its Findings and Final Judgment (Appendix A), the court erroneously awarded to Respondent a special equity to $30,000.00 of non-marital trust assets held by Petitioner for her minor children from her previous marriage. These non-marital trust assets were awarded to Respondent despite the fact that the trial court had before it Petitioner's documentary evidence (Wife's Exhibit #1) and Petitioner's testimony (TR 9-18; 45-46) that these assets were her rightful property; and despite the fact that Respondent did not show by his testimony, nor was there any documentary evidence submitted to the court to prove, his special entitlement to any portion of these assets.

Petitioner respectfully wishes to apprise this Court that in a recent decision (Appendix I), the trial court turned over to Respondent her entire net proceeds of her IRA funds, totally divesting Petitioner of her retirement. After being gainfully

employed for 36 years, Petitioner now faces a below-average standard of living upon retirement. At this stage in her life, it is not feasible or possible for Petitioner to begin to accumulate sufficient assets to recoup the financial losses sustained as a result of the court's erroneous judgments.

> "It is open to the courts of the United States, upon an application...to look beyond forms and inquire into the very substance of the matter. ... To deprive a citizen of her only effective remedy would not only be contrary to the 'rudimentary demands of justice' but destructive of a constitutional guaranty specifically designed to prevent injustice." Johnson v. Zerbst, 304 U.S. 458 (1938), at p. 467.

* * * * *

Petitioner respectfully submits to this Court:

It is undisputed by Petitioner, Respondent, his attorney, and the trial court that this was an action for divorce. The trial in this cause was held solely to determine the equitable distribution of marital assets and personal property of the parties (TR 5-6).

However, there is evidence and documentation to substantiate Petitioner's claims that the trial court erroneously failed to distribute to Petitioner her equitable share of the jointly-owned marital assets and personal property of the parties, which was clearly acknowledged to be the intent and purpose of the trial in this cause.

In addition, there is evidence and documentation to substantiate Petitioner's claims that the trial court erroneously distributed to Respondent non-marital trust assets held by Petitioner for her minor children from her previous marriage, which clearly was not the intent and purpose of the trial.

Therefore, Petitioner contends that the primary purpose of the trial in this cause -- to determine the equitable distribution of marital assets and personal property of the parties -- was never consummated.

Petitioner respectfully submits that she did not have her day in court, nor did she

receive a fair trial, and consequently she has been deprived of her rightful property without due process of law and denied the equal protection of the law.

CONCLUSION

Petitioner, Jennie J. Quast, respectfully prays that a writ of certiorari issue to review the Opinion of the Fourth District Court of Appeal of Florida and the record below.

DATED: July 28, 1987.

Respectfully submitted,

Jennie J. Quast

JENNIE J. QUAST
Petitioner Pro Se
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(305) 741-0939

APPENDIX A

IN THE JUDICIAL COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

No. 82-16255 CR

IN RE: The Marriage of

CLIFFORD G. QUAST,

Petitioner/Husband,
and

JENNIE J. QUAST,

Respondent/Wife.
_____/

FINDINGS AND FINAL JUDGMENT

THIS CAUSE came on for Final Hearing before the Court upon Amended Petition for Dissolution of Marriage (Item #20 in Court file), Answer and Affirmative Defenses and Counterclaim (Item #21 in Court file), and Order (Item #49 in Court file).

The Court having heard the sworn testimony of the parties and residence witness, having received and marked Exhibits and having heard argument of counsel and Respondent, now finds and orders as follows:

1. The Court has jurisdiction of the parties, and the subject matter of this cause.

2. The Petitioner was a resident of Florida for more than six months immediately preceding the filing of this cause.

3. The marriage between the parties having been found to be irretrievably broken, the dissolution of the said marriage is granted.

4. Each of the parties seek a special equity in stocks, certificates, money accounts and investments now titled individually in their names and in their joint names. The Court finds that the greater weight of the evidence supports the claim of JENNIE J. QUAST to the extent of a special equity of $20,000.00, in the present value of the stocks, certificates, money accounts and investments which she now holds. The remaining value of said investments is found to be joint property owned by

JENNIE J. QUAST and CLIFFORD G. QUAST. The Court further finds that the greater weight of the evidence supports the claim of CLIFFORD G. QUAST to the extent of a special equity ownership of 496 shares of Mobil Oil Co. stock. The remaining 676 shares of Mobil Oil Co. stock are found to be the joint property owned by JENNIE J. QUAST and CLIFFORD G. QUAST.

5. The parties have each made a claim for a special equity in the marital home and household furnishings. The Court finds that neither of the parties have proven their entitlement to a special equity in the marital home and household furnishings, except as to the following items of furnishings or personal property which shall be distributed as shown below:

TO: CLIFFORD G. QUAST

Personal family pictures
Models
Fishing equipment
Tools, equipment, and personal effects

To: JENNIE J. QUAST

Bedroom sets
Living room set
Dining room set

The Court reserves jurisdiction to partition said real property and the remaining household furnishings, after each party receives their distribution of household furnishings, personal effects, and assets, after the special equities herein found to exist, have been received by the parties.

6. The Court finds that JENNIE J. QUAST and CLIFFORD G. QUAST shall be joint owners of all property now owned jointly or individually by them, except as to those items or properties found specifically by this Court to be given over or owned as a special equity.

7. The Respondent, JENNIE J. QUAST, has waived all rights to claim or seek alimony, of any type.

8. JENNIE J. QUAST shall have full ownership and title interest in the 1975

Ford LTD Station Wagon and CLIFFORD G. QUAST shall convey such title interest.

9. Each party shall bear and pay their respective costs and attorneys fees.

10. Except for the dissolution of the marriage of these parties which is final, the Court specifically reserves jurisdiction of this matter to enter such further Orders as may be equitable and to enforce the terms and provisions of this Final Judgment.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 5th day of April, 1983.

/s/ Gene Fischer
CIRCUIT JUDGE

Copies to:
Adrienne Maidenbaum, Esq.
Jennie J. Quast

APPENDIX B

IN THE JUDICIAL COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

No. 82-16255 CR

IN RE: The Marriage of

CLIFFORD G. QUAST,

Petitioner/Husband,
and

JENNIE J. QUAST,

Respondent/Wife.
_____/

ORDER OF DISTRIBUTION

THIS CAUSE having come before the Court on Petitioner's Motion for Distribution, and the Court having reviewed all asset lists which have been filed herein and all objections to said asset lists, and the Court having also reviewed the proposed distribution of assets as prepared by the Petitioner, and the Court having found that the parties cannot reach a distribution without the court making said distribution, and the Court having further noted that it has been

two years since the Final Judgment of Dissolution of Marriage in this cause, it is thereupon

ORDERED and ADJUDGED that:

1. Pursuant to the Final Judgment, this Court held that all checking accounts, savings accounts, money market accounts, stocks and bonds and/or other negotiable instruments, which were being held by Jennie Quast in the approximate amount of $80,000.00 shall be joint property of the parties, with the exception of $20,000.00 which is found to be a special equity by Jennie Quast. Accordingly, this Court finds that as of the date of the Final Judgment, Jennie Quast had the following liquid disposable assets subject to distribution:

Coral Gables Federal	- $ 420.00
Checking Account	- $ 1,379.00
Money Market Account	- $ 9,250.00
Mobil Oil	- $11,650.00
Govt. Securities	- $ 8,859.00
Long Island Lighting	- $ 4,975.00
Pacific G & E	- $ 5,400.00
TOTAL	- $41,933.00

2. This Court finds that Clifford Quast's liquid disposable assets which are subject to distribution as follows:

Checking Account	- $ 814.00
Credit Union	- 224.00
TOTAL	- $ 1,038.00

3. Accordingly, there is a difference of $40,895.00, which is subject to distribution with Jennie Quast keeping $20,447.50 and Clifford Quast being entitled to $20,447.50.

4. This Court further finds that although the previous Court order indicated that the interest income and dividend income should be included, these figures were not given. Accordingly, this Court takes judicial notice of interest rates over the last two years and finds that the interest rate on said funds should be 10% per annum.

5. There is therefore now due and owing from Respondent Jennie Quast, to the Petitioner, Clifford Quast, the sum of $20,447.50, plus interest on said amount at

the rate of 10% per annum in the amount of $4,089.50 for a total amount of $24,537.00.

6. Jennie J. Quast is hereby ordered and directed to transfer to Clifford Quast, forthwith, the sum of $24,537.00 in cash and/or in the marketable securities and amounts above listed.

7. If the Respondent, Jennie J. Quast, fails and refuses to transfer said monies to Clifford Quast, within five days from the date of this Order, this Court shall issue a final judgment, in the amount above set forth, upon affidavit and without further hearing and Clifford Quast shall be entitled to have a Writ of Attachment, Writ of Execution and/or a Writ of Garnishment issued to attach said funds.

8. This Court further finds that Jennie J. Quast, has other non-liquid investments as follows:

National Investors Life	- $21,000.00
Real Estate Partnership Investments	- $11,765.00
TOTAL	- $32,765.00

9. This Court finds that Jennie J. Quast has a special equity in the National Investors Life in the sum of $20,000.00.

10. This Court further finds that Clifford Quast is entitled to one-half of the real estate partnership investments and Jennie J. Quast is hereby ordered and directed to transfer forthwith to Clifford Quast, one-half of said real estate partnership investments, or $5,882.50 in cash. If the Respondent, Jennie J. Quast, fails and refuses to transfer said assets and/or monies in lieu of said assets to Clifford Quast, within five days from the date of this Order, this Court shall issue a final judgment for said amount upon affidavit and without further hearing and the Petitioner, Clifford Quast, shall be entitled to have a Writ of Attachment, Writ of Execution and/or a Writ of Garnishment issued to attach said funds.

11. The following items which are presently in the possession of Clifford Quast, shall be distributed to him and shall and does hereby become his sole property.

1977 Cadillac
Camera Equipment
Stereo Equipment

12. The following items of personal property, presently in the possession of Jennie J. Quast, shall and hereby does constitute the sole and exclusive property of Clifford G. Quast, and the Respondent is ordered to forthwith transfer these items to the Petitioner:

Video Cassette Recorder
Toaster
Stereo Cabinet
Wine Decanter and Glasses
Lawn Furniture
Carving Knives
Barometer
Bookcases and cabinet
Den Furniture
Steel Storage Cabinet
One Ladder
Dictionary
Speaker
One Electric Coffee Pot
Electric Fry Pan
Walnut Wall Unit
Portable Fan
Barbeque
Ice Chest

13. The Court finds that the following items of personal property, presently in the possession of Jennie J. Quast shall and does hereby constitute the sole and exclusive possessions of Jennie J. Quast:

Mink Jacket
Nativity Set
Collector Plates
Desdin Dolls
Blender
All Jewelry in her possession
End Tables and Lamps, including corner table in living room and table lamp in living room
Florida Room Furniture
Kitchen Furniture
16' Boat [there was never such boat in Mrs. Quast's possession; the only boats of the parties were sold by Mr. Quast, as can be verified by trial transcript]
Color TV - Wards
Christmas Decorations
Storage Tables
Vacuum
Picnic Basket
Metal Folding Table
One Ladder
35mm Projector
Encyclopedia
Longerie Chest
Cook Books
Plastic Serving Cart
Book Ends
One Electric Coffee Pot
Pressure Cooker
Thermos
Glass Table in Living Room
Hanging Lamp in Living Room

Curio Cabinet
Mirrors and pictures
Formica 4-drawer dresser

14. Jennie J. Quast is hereby ordered and directed to transfer to Glifford Quast, forthwith, the items as listed in paragraph 12 above.

15. If the Respondent, Jennie J. Quast, fails and refuses to transfer said items, as more fully set forth in paragraph 12, to Clifford Quast, within five (5) days from the date of this order, this Court shall issue a final judgment as to all of said items upon affidavit and without further hearing and Clifford Quast shall be entitled to have a Writ of Attachment and/or Writ of Execution issue to attach said items.

16. This Court reserves jurisdiction for the purposes of enforcement of said Order.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida, this

25th day of April, 1985.

/s/ Gene Fischer
CIRCUIT JUDGE

Copies to:
Adrienne Maidenbaum, Esq.
Jennie J. Quast

APPENDIX C

IN THE JUDICIAL COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

No. 82-16255 CR

IN RE: The Marriage of

CLIFFORD G. QUAST,

Petitioner/Husband,

and

JENNIE J. QUAST,

Respondent/Wife.
_____/

FINAL JUDGMENT

THIS CAUSE having come before the Court on Petitioner's Motion for Final Judgment, upon the Order of Distribution dated April 25, 1985, and upon the Order Denying Motion for Rehearing dated May 24, 1985, and the Court being otherwise fully advised in the premises, it is thereupon

ORDERED and ADJUDGED that:

1. Petitioner, Clifford G. Quast, hereby recovers from the Respondent, Jennie J. Quast, the sum of $30,419.50, that shall bear interest at the rate of 12% per annum until satisfied, for which let execution issue.

2. The Petitioner, Clifford G. Quast, hereby recovers from the Respondent, Jennie J. Quast, the following items of personal property: video cassette recorder, toaster, stereo cabinet, wine decantor and glasses, lawn furniture, carving knives, barometer, bookcases and cabinet, den furniture, steel storage cabinet, one ladder, dictionary, speaker, one electric coffee pot, electric fry pan, walnut wall unit, portable fan, bar-b-que, and ice chest, for which let execution issue.

3. This Court reserves jurisdiction for purposes of enforcement of said Final Judgment.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida, this 31st day of May, 1985.

/s/ Gene Fischer
CIRCUIT JUDGE

Copies to:
Adrienne Maidenbaum, Esq.
Jennie J. Quast

APPENDIX D

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FOURTH DISTRICT

JULY TERM 1986

CASE NO. 85-1509

JENNIE J. QUAST,

Appellant,

v.

CLIFFORD G. QUAST,

Appellee.
_____/

Opinion filed November 19, 1986

Appeal from the Circuit Court
for Broward County;
Gene Fischer, Judge.

Jennie J. Quast, Sunrise,
pro se appellant.

Adrienne Maidenbaum of
Feinberg & Maidenbaum,
Hallandale, for appellee.

WARNER, MARTHA C., Associate Judge

This is the second appearance of this case in this court

On April 5, 1983, a final judgment of dissolution of the parties' marriage was

entered after a final hearing in which the appellant appeared pro se. The final judgment determined special equities and divided all other properties of the parties owned jointly and individually. That judgment was appealed, and this court per curiam affirmed on February 29, 1984.

Thereafter, the appellee filed a motion in the lower court to enforce the final judgment. The parties ultimately filed lists of their assets, and the appellee filed a motion for distribution of those assets in accordance with the original final judgment which had been affirmed on appeal. On April 25, 1985, the court rendered an order of distribution. The court ordered the appellant to transfer cash, stock, and personalty to the appellee, and if appellant failed to make the transfers, the court would enter a final judgment as to all items without further hearing.

Appellant filed a motion for rehearing

of the order of distribution which was denied, and on June 3, 1985, final judgment was rendered because of appellant's failure to comply with the order of distribution. Appellant then filed her appeal.

Appellant claims that the order of distribution was unfair and unconstitutional. However, to support her claim she argues that the trial court in the original hearing made errors. The original decree has already been affirmed on appeal, this establishing the law of the case. State v. Stabile, 443 So.2d 398 (Fla. 4th DCA 1984). The law of the case precludes relitigation of all issues necessarily ruled on by the court, as well as all issues upon which an appeal could have been taken but which were not taken. Id. at 400. This appeal is an attempt to obtain a second appeal of the original decree, which is not permitted. Strazzulla v. Hendrick, 177 So.2d 1 (Fla. 1965).

However, as to the issue directed solely to the order of distribution, the appellant is correct in claiming that the trial court failed to include in the order the 676 shares of Mobil Oil stock jointly owned by the parties which are held by the appellee. In his response to the motion for rehearing on the order of distribution, the appellee admitted as much. Thus, the final order of distribution should have taken into account these shares of stock, either by requiring one-half of them to be distributed to appellant or by crediting her share of them against any transfers required to effectuate the order. Upon remand, the trial court should include these shares of stock in its order of distribution.

Affirmed in part and reversed in part and remanded with direction.

ANSTEAD and GLICKSTEIN, JJ., concur.

APPENDIX E

SUPREME COURT OF FLORIDA
TUESDAY, MAY 5, 1987

CASE NO. 70,021
District Court of Appeal
Fourth District No. 85-1509

JENNIE J. QUAST,

Petitioner,

v.

CLIFFORD G. QUAST,

Respondent.
_____/

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution (1980), and the Court having determined that it should decline to accept jurisdiction, it is ordered that the Petition for Review is denied.

No Motion for Rehearing will be entertained by the Court. See Fla. R. App. P. 3.330(d).

MCDONALD, C.J., OVERTON, EHRLICH, SHAW and BARKETT, JJ., concur

Respondent's Motion for Attorneys Fees

is hereby denied.

MCDONALD, C.J., OVERTON, SHAW and BARKETT, JJ., concur
EHRLICH, J., dissents

cc: Hon. Clyde L. Heath, Clerk
Hon. Robert E. Lockwood, Clerk
Hon. Gene Fischer, Judge

Jennie J. Quast, Petitioner
Adrienne Maidenbaum, Esquire

APPENDIX F

IN THE SUPREME COURT OF FLORIDA

CASE NO. 70,021

JENNIE J. QUAST,

Petitioner,

vs.

CLIFFORD G. QUAST,

Respondent.

_____/

NOTICE OF APPEAL

COMES NOW, Petitioner, JENNIE J. QUAST, and appeals the Order of this Court dated May 5, 1987, to the Supreme Court of the United States.

Respectfully submitted,

/s/ Jennie J. Quast
JENNIE J. QUAST
Petitioner Pro Se
9638 Northwest 19th Place
Sunrise, Florida 33322
Telephone: (305) 741-0939

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail to

THE HONORABLE CLYDE L. HEATH, Clerk of the Fourth District Court of Appeal, P.O. Box A, West Palm Beach, Florida 33402; THE HONORABLE ROBERT E. LOCKWOOD, Clerk of the Circuit Court, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301; THE HONORABLE GENE FISCHER, Judge of the Circuit Court, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301; and ADRIENNE MAIDENBAUM, ESQUIRE, Attorney for Respondent, 2500 East Hallandale Beach Boulevard, #707, Hallandale, Florida 33009; this 8th day of May, 1987.

/s/ Jennie J. Quast
JENNIE J. QUAST

APPENDIX G

Excerpt from Amended Brief of Appellant
Filed January 8, 1986
Case No. 85-1509

ISSUE II

WHETHER APPELLANT HAS BEEN DEPRIVED OF DUE PROCESS OF LAW AND EQUAL PROTECTION OF THE LAW AND DENIED HER NATURAL RIGHTS AS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND FLORIDA, AND TO DETERMINE WHETHER THE LOWER COURT HAD JURISDICTION TO PROCEED TO JUDGMENT.

Appellant would like to clarify for this Court that there are no children of this marriage. Appellant had 3 children living with her, and Appellee had 3 children living with him, when the parties were married on June 28, 1969. Together they raised 6 children into adulthood or aspiring adults.

Appellant wishes to point out to this Court the inhuman and insensitive methods

employed by Appellee in this cause. Appellant would also like to bring to this Court's attention the actions and tactics of Appellee's attorney, who unduly took advantage of the situation and deviated from normal trial practices and procedures.

Appellee brought back a nightmare from Appellant's past, for her to re-live on that Good Friday, April 1, 1983, from which she had not recovered.

On or about January 1969, Appellant's first-born son, Johnny, then 11 years old, just before her previous divorce hearing, was persuaded by his father, Ralph, to leave his home and live with him and his girl friend, Anne (who was Appellant's lifetime friend), at her house. Appellant's son, Johnny, was at that hearing as an adverse witness. Consequently, Appellant has not seen her son, John F. Farella, M.D., now 28, for over 17 years.

Appellant's son, Michael (who looks just like his brother, Johnny) was outside the courtroom with his stepfather/Appellee on the day of the Final Hearing. Michael's presence brought back that tragic and devastating result of her previous divorce hearing. The panic and fear experienced by Appellant that day are beyond words. Michael was present at the hearing to testify to the parties' six-month residency (TR. 3/12-17). When Appellant saw her son in court that day, she had every reason to suspect Michael was there as an adverse witness. The Witness List of Appellee and received by Appellant a few days earlier contained her daughter, Denise's name as an adverse witness.

One week before the Final Hearing, with the cooperation of the children's father, Ralph, Appellee persuaded Appellant's remaining children, Michael, Paul, and Denise, to leave their home (TR. 25/14-15).

Appellant's daughter, Denise, was living with her stepfather/Appellee and his girl friend, Valerie (who was Appellant's first friend in Florida TR. 27/8-23), at Valerie's apartment (TR. 24/4). In addition to Denise's willingness to appear as an adverse witness at the Final Hearing, she was also persuaded by Appellee and her father, Ralph, to write a very distasteful letter against her mother, Appellant herein, which letter is on file in the Broward County Trustee's Office, Fort Lauderdale, Florida.

Appellee's insensitive conduct extended beyond this disruption of family unity. Appellee also slandered Appellant's reputation and good name, accusing Appellant of fanaticism and infidelity, and jeopardizing Appellant's relationship with her close relatives, life-long friends, and neighbors.

Article IX of the Constitution of the United States provides that the natural rights of citizens are retained whether or

not specified in the Constitution.

It is a natural right for a parent to have a filial relationship with his or her child. To permit a child to testify (or even appear in court) against his or her parent is immoral and unnatural. This type of persuasion is grossly unfair to children in a divorce action, particularly the very young; they are confused, angry, and hurt, and incapable of testifying with any semblance of impartiality, or even truth.

In Appellant's case (and undoubtedly in an innumerable number of cases, especially where money is involved), it has been difficut for a reconciliation to take place between the mother and son, particularly when the father continues to harbor anger and resentment (as hereinafter set forth), to the severe psychological and emotional detriment, and sometimes irreparable damage, to all parties involved.

THIS SHOULD BE PROHIBITED BY LAW.

APPENDIX H

IN THE JUDICIAL COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

No. 82--16255 CR

IN RE: The Marriage of

CLIFFORD G. QUAST,

Petitioner,

and

JENNIE J. QUAST,

Respondent.
_____/

ORDER

THIS CAUSE having come before the Court on September 26, 1985, on Respondent's Motion to Disqualify Judge, on Respondent's Motion for Stay Pending Appeal, on Petitioner's Motion for Final Judgment in Garnishment, and on Petitioner's Motion for Contempt and to Transfer the Wife's One Half Interest in the Marital Home to the Husband, and the Court having heard the argument of counsel for Petitioner, and the testimony of Respondent, and the Court being otherwise

fully advised in the premises, it is thereupon

ORDERED and ADJUGED that:

1. Respondent's Motion to Disqualify Judge be, and the same, is hereby denied.

2. Respondent's Motion for a Stay Pending Appeal be, and the same, is hereby denied.

3. Petitioner's Motion to Transfer Wife's One Half Interest in the Marital Home to Petitioner be, and the same, is hereby denied, in that the Petitioner has an available remedy by partition.

4. Petitioner's Motion for Final Judgment in Garnishment as to those assets which are presently held pursuant to a Writ of Garnishment by Prudential Bache be, and the same, is hereby deferred. The Writ of Garnishment served on Prudential Bache herein has acted as an automatic stay, and shall continue to act as an automatic stay and therefore Prudential Bache cannot

transfer or otherwise liquidate said assets until further order of this Court. Accordingly, no harm will be had by deferring this matter pending appeal.

5. Petitioner's Motion for Contempt be, and the same, is hereby denied.

6. The Respondent is hereby ordered to forthwith affix her signature on 496 shares of Mobil Oil Stock, which title is shown to be in the name of the Petitioner and Respondent, which was found pursuant to the Final Judgment in this cause entered on April 5, 1983, to be the sole and exclusive property of the husband, pursuant to a special equity therein. In the alternative, this Court Order shall act as an automatic transfer of the above described 496 shares of Mobil Oil stock and the 496 shares of Mobil Oil stock be, and is hereby declared to be transferred to the Petitioner and constitute the exclusive property of the Petitioner. The Petitioner may use this

Court Order to evidence his exclusive title in said shares of stock. [Emphasis supplied]

7. This Court reconfirms its previous Order finding certain items of personal property to be the sole and exclusive possession of the husband, and further reconfirms that part of the Order ordering and requiring the Respondent to transfer said items forthwith to the Petitioner.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida, this 3rd day of October, 1985.

/s/ Gene Fischer
CIRCUIT JUDGE

Copies to:
Adrienne Maidenbaum, Esq.
Jennie J. Quast
Prudential Bache

APPENDIX I

IN THE JUDICIAL COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

No. 82-16255 CR

IN RE: The Marriage of

CLIFFORD G. QUAST,

Petitioner,

and

JENNIE J. QUAST,

Respondent,

and

PRUDENTIAL BACHE SECURITIES,

Garnishee.
_____/

FINAL JUDGMENT IN GARNISHMENT

THIS CAUSE having come before the Court and it appearing that the above-named Garnishee was duly served with a Writ of Garnishment after Judgment and it further appearing that the Garnishee answered said action within the time prescribed by law, and this Court having previously deferred

this matter, and the Petitioner having filed a Motion for Judgment in Garnishment, and the Court being otherwise fully advised in the premises, it is thereupon

ORDERED and ADJUGED that:

1. A Judgment be, and the same, is hereby entered herein against the Garnishee, Prudential Bache Securities.

2. The Petitioner, Clifford G. Quast, has and does recover from the Garnishee, all sums presently held by the Garnishee, less any amounts which are subject to penalty for early withdrawal.

3. The Garnishee, Prudential Bache Securities, is hereby ordered and directed to liquidate all assets presently being held by them in accounts #OLX 808026 29 (formerly known as account OLX 80802 29) and OLX 07886 29, and any other accounts which were frozen pursuant to the Writ of Garnishment herein.

4. The Garnishee, Prudential Bache Securities, is hereby ordered and directed

to turn over all amounts, after liquidation, in said accounts, to the Petitioner herein, Clifford G. Quast, by sending said monies to Clifford G. Quast care of Feinberg & Maidenbaum, 2500 E. Hallandale Beach Blvd., Suite 707, Hallandale, Florida 33009.

5. The Garnishee, Prudential Bache Securities, is hereby ordered and directed to report to this Court, the amount of actual monies disbursed, so that said sum may be credited against the Final Judgment of May 31, 1985.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida, this 18th day of May, 1987.

/s/ Gene Fischer
CIRCUIT JUDGE

Copies to:
Adrienne Maidenbaum, Esquire
Prudential Bache Securities
Jennie J. Quast

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1986

CASE NO. _____

==========

JENNIE J. QUAST,

Petitioner,

v.

CLIFFORD G. QUAST,

Respondent.

==========

PROOF OF SERVICE

STATE OF FLORIDA)
) SS.:
COUNTY OF BROWARD)

JENNIE J. QUAST, after being duly sworn, deposes and says that pursuant to Rule 28.3 of this Court she served the within PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA on counsel for the Respondent by enclosing a copy thereof in an envelope, first class postage prepaid, addressed to:

Adrienne Maidenbaum, Esquire
Attorney for Respondent
2500 East Hallandale Beach Boulevard
Suite 707
Hallandale, Florida 33009

and depositing same in the United States mails at Fort Lauderdale, Florida, on the 28th day of July, 1987.

Jennie J. Quast

JENNIE J. QUAST, Affiant

SUBSCRIBED AND SWORN TO
before me this 28th day
of July, 1987.

Lynn M Roytz

Notary Public
State of Florida
My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Nov. 14, 1989
Bonded thru Maynard Bonding Agency